

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

WALTER RAGLIN,	:	
Petitioner,	:	Case No. C-1-00-767
vs.	:	Judge Walter H. Rice
BETTY MITCHELL, Warden	:	Magistrate Judge Michael R. Merz
Respondent.	:	This is a Death Penalty Case

**PETITIONER'S MOTION TO RECONSIDER ORDER DENYING PETITIONER'S
THIRD MOTION FOR EXTENSION OF TIME
TO FILE OBJECTIONS TO MAGISTRATE JUDGE'S
REPORT AND RECOMENDTION**

Petitioner hereby moves the Court to reconsider its Order, issued on May 10, 2006, denying Petitioner's Third Motion for an Extension of Time to File Objections. The Court denied Petitioner's Motion because Counsel for Petitioner failed to comply with S.D. Ohio 7.3, which requires counsel to consult with opposing counsel prior to filing any motion for an extension of time. As noted in the memorandum below, Petitioner's Counsel has since complied with S.D. Ohio 7.3, and opposing counsel has stated that the Respondent does not oppose a short extension of time until Monday, May 26, 2006, for Petition to file his objections to the Report and Recommendations. Thus, Petitioner hereby seeks an order reconsidering its prior order and granting Petitioner an extension of time until Monday, May 22, 2006, to file his objections to the Report and Recommendations filed by the Magistrate Judge on February 2, 2006 (Doc. 89).

s/James D. Owen

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Trial Attorney for Petitioner

MEMORANDUM IN SUPPORT

On Monday, May 15, 2006, Petitioner's counsel, James D. Owen, met with opposing counsel, Carol Ann Ellensohn and Charles L. Wille, in order to comply with S.D. Ohio 7.3. During the meeting, Counsel Owen requested Mr. Wille and Ms. Ellensohn to give their consent to this motion, and in response both counsel stated they did not oppose an extension of time until Monday, May 22, 2006. Specifically, both counsel stated that they "neither oppose nor support additional time and leave the decision up to the discretion of the Court to determine whether to grant the extension."

Petitioner's counsel, James D. Owen, now respectfully requests an additional extension of time in which to file objections to the February 2, 2006 Report and Recommendations. Attorney Owen is the sole attorney representing Petitioner in this federal habeas proceeding, even though the Petitioner is subject to a state death sentence.

As previously represented to the court, Attorney Owen was involved in a complex jury trial in Howard v. State of Ohio which lasted until March 15, 2006, when jury reached a verdict. Subsequently, Attorney Owen was involved in preparation for an Aggravated Murder trial scheduled to commence on April 3, 2006. Although that case was unexpectedly continued on the date of trial, Attorney Owen's mother suffered a severe heart attack in the late evening hours on the following day, April 4, 2006, which caused him to be out of the office until Sunday April

9, 2006. It was necessary for Owen to make all necessary arrangements for the care of his mother because his father is a quadriplegic and therefore unable to assist in any manner.

Since then, Owen has been involved in a hectic trial docket and has recently been ill and therefore unable to be at his office.

For the foregoing reasons, Petitioner's counsel respectfully requests an extension of time to May 22, 2006, within which to prepare his objections to the Magistrate's Report and Recommendations.

s/James D. Owen

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Trial Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have, this 16th day of May, 2006, served electronically through the Court's ECF System a copy of the foregoing pleading to the following attorneys of record:

Carol Ann Ellenson
Charles L. Wille
ASSISTANT ATTORNEY GENERAL
Capital Crimes Section- 23rd Floor
30 East Broad Street
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s/James D. Owen

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